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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,623	02/05/2004	Qiu Shi Zheng	25-12712	4910
23720	7590	04/20/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			JACYNA, J CASIMER	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/772,623	<b>Applicant(s)</b> ZHENG, QIU SHI	
	<b>Examiner</b> J. Casimer Jacyna	<b>Art Unit</b> 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-65 is/are pending in the application.  
     4a) Of the above claim(s) 31-65 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-30 is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05142004</u> . | 6) <input type="checkbox"/> Other: _____  |

1. Applicant's election of group I, figure 2, in the reply filed on 4/8/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 31-65 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/8/2005.

In regard to claim 59, Applicant contends that the means plus function language is generic. However, the function includes "preventing said working fluid from entering said sealed cavity" which function cannot be performed by the elected embodiment of figure 2 because opening 102 specifically allows the working fluid to enter the sealed cavity. This function is performed by the figure 3 embodiment that includes a piston in the opening which transfers fluid pressure but does not transfer the working fluid.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9-12, 14-17, 19-23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson. Nelson discloses a body 10, a valve stem 30, a gate 26, a valve stem seal 86, a sealed cavity between 86/91 and 154 as disclosed on col. 5, lines 30-36, opening 96 and roller screw 129. In regard to claims 2-4, the valve stem 30 that contains opening 96 is within the center of the bonnet 128 and portion 32 of the body and passes through the openings in the bonnet and the body. Therefore, opening 96 is located within the center of the bonnet and body portion 32 and extends "through" them as claimed.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Steinke. Nelson discloses a balanced valve substantially as claimed but does not disclose a filter in the balance opening. However, Steinke teaches another balanced valve having a filter 28 in the balance opening for the purpose of ensuring contaminants do not enter the sealed chamber. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the valve of Nelson with a filter as, for example, taught by Steinke in order to keep contaminants out of the sealed chamber.

7. Claims 1-4, 6-9, 11-14, 16-19, 21, 22 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Gessaman. Gessaman discloses a body 20, a

valve stem 40, a gate 38 that opens and closes the opening 42 and thereby performs the function of a gate as claimed, a valve stem seal 70, a sealed cavity 50 and 52, and opening 48 which passes within the interior wall of bonnet or body part 24 at 56. In regard to claim 8, Gessaman discloses a bonnet 24, a bonnet cap 26 and upper and lower seals 70 between the bonnet and cap and on the valve stem at the bottom of 50, between 50 and 52 and at the top of 52.

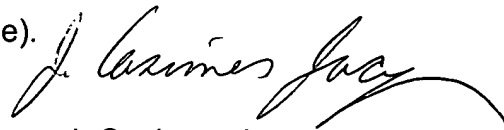
8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gessaman in view of Steinke. Gessaman discloses a balanced valve substantially as claimed but does not disclose a filter in the balance opening. However, Steinke teaches another balanced valve having a filter 28 in the balance opening for the purpose of ensuring contaminants do not enter the sealed chamber. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the valve of Gessaman with a filter as, for example, taught by Steinke in order to keep contaminants out of the sealed chamber.

9. Claims 28-30 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Casimer Jacyna  
Primary Examiner  
Art Unit 3751

JCJ